

# JUDICIAL MENTAL HEALTH ADVOCATES

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By Libby Reekers, LBSW, IADC

Tama County Judicial Mental Health Advocate

# What is an Advocate?

- An Advocate is a person who is not tied to the regional MHDS (mental health and disability services) system or the legal system. An Advocate is independent of both.
- Advocates are not required to defend the:
  - Legal system that placed the individual in the hospital.
  - Providers that are treating the individual.
  - MHDS system that may fund the individuals treatment.
- The Advocate is an “outsider looking in.”
- Advocates act as a liaison for the individual and the court, providers, MHDS system, family, or friends.

# Advocate Employment

- Iowa Code Section 229.19
- County Board of Supervisors are responsible for hiring Advocates.
- Advocates cannot be an officer or employee of:
  - Department of Human Services
  - Region
  - County performing duties for a region
  - Any agency or facility providing care or treatment to persons with mental illness

# Advocate Assignment

- Every individual placed under an involuntary mental health commitment is required to be assigned an Advocate.
- The Court in the county where the individual is committed assigns the Advocate.
- The Advocate is assigned to the individual during the time of an active mental health commitment case.

# Advocate Job Duties

- **PRIMARY DUTIES**

- Required by Chapter 229 of the Iowa Code
- Not an overall list
  - Review the reports, orders, and applications submitted on the individual
  - Advise the Court at any time if it appears that the services of an attorney are needed to safeguard the individuals interest.
  - Be readily available to receive communications from the individual and to communicate with the individual directly within five days of the individuals commitment.
  - To visit the individual within fifteen days of the commitment and periodically thereafter.
  - To communicate with medical personnel treating the individual and to review the individuals medical records.
  - To file with the court reports as the Advocate feels necessary or as required by the court.
  - May attend the hospitalization hearing of any individual for whom the Advocate has received notice of a hospitalization hearing.
  - To utilize the related best practices for the above duties developed and promulgated by the judicial council.

# What Do Advocates Get Paid For?

- **Billable Activities:**

- Attend hearings.
- Participate in individualized interdisciplinary case planning.
- Attend staffing's.
- Making client phone calls.
- Making collateral phone calls and/or travel to case managers, provider/staff, therapists, physicians, etc.
- Travel and client visits.
- Explain Court orders.
- Discuss options for hearings.
- Assist with requests for change of doctors.
- Make referrals, for those without case management, to agencies at request of client.
- Contact the case manager to request assignment of a case manager or referrals on behalf of client.
- <sup>1</sup>Complete and submit reports at least quarterly to Court (Chief Judge or Clerk).
- Maintain updated list of clients/orders/demographic information.
- Review all periodic reports and associated orders.
- Review other documents, e.g., staffing notes, correspondence, etc.

- Contact clients who are non-compliant with Court orders as identified through periodic reports.
- Explain client responsibilities and consequences regarding their commitment, treatment, and services.
- Mediate; assist in resolving conflict between clients and provider agencies.
- Write documentation (contact notes, narratives, etc.).
- Perform chart/records reviews.
- Complete time sheets, mileage and other required forms.
- Email and write memos and letters to clients/Court/others.
- Maintain client files.
- Filing and similar tasks.
- <sup>2</sup>Attend conference and training as approved by the Court in consultation with the CPC .
- <sup>2</sup>Serve on Boards and Committees as Mental Health Advocate representative as appointed by the Court in Consultation with the CPC.
- Communication with Court about delinquent periodic reports.

<sup>1</sup> No longer a requirement in the Iowa Code effective 07/01/2016.

<sup>2</sup> Effective 07/01/2015, Advocates became county employees. For that reason, the approval for conferences, training, or serving on boards and committees must come from the County Board of Supervisors or from the direct supervisor the County Board of Supervisors appointed to supervise the Advocate.

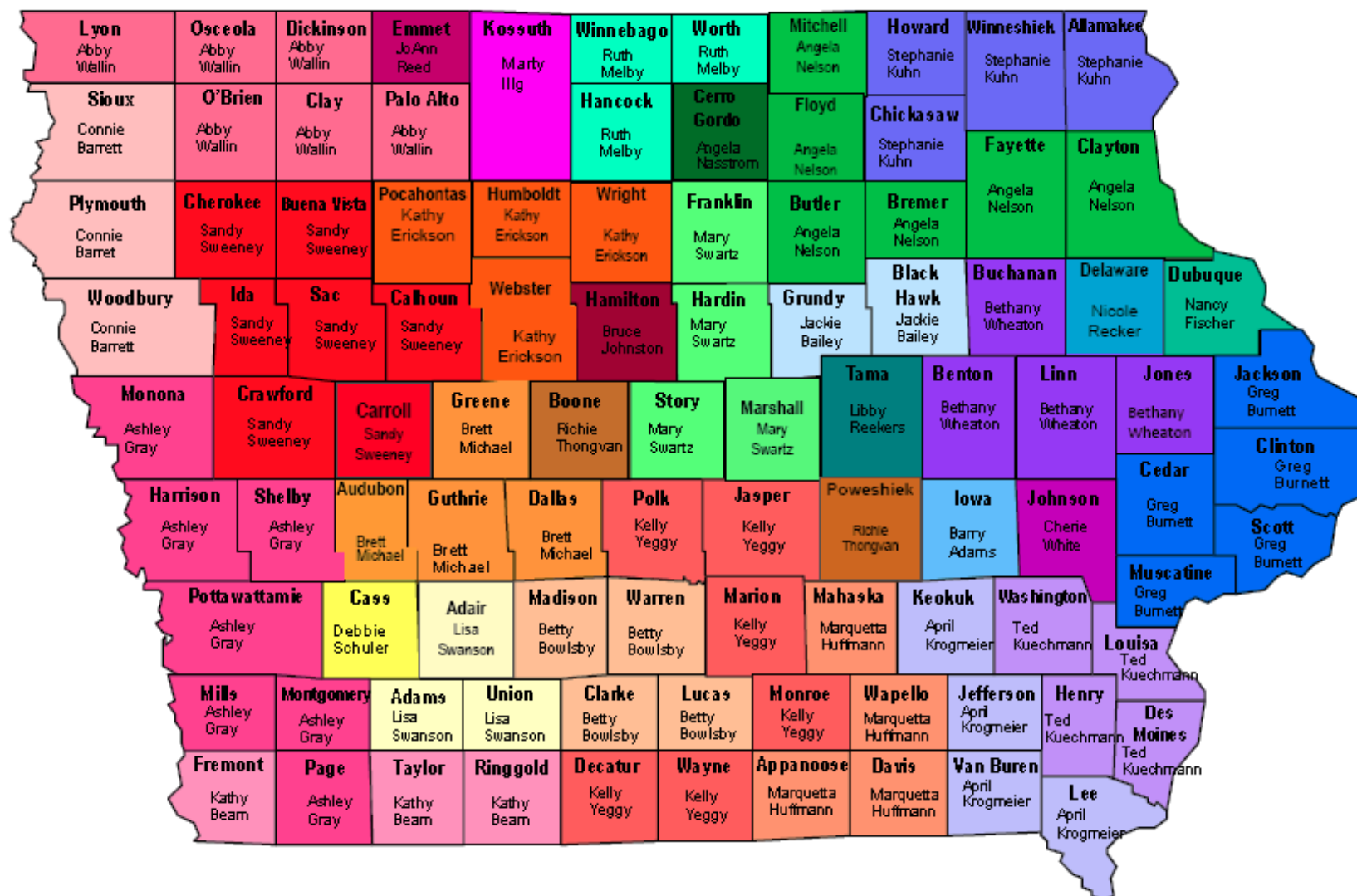
# What Don't Advocates Get Paid For?

- **Non-Billable Activities**

- Direct service/care
  - Taking clients grocery shopping/drives/run errands.
  - Assisting clients with household duties: cleaning, laundry, etc.
  - Teaching clients skills: how to cook, maintain a home, etc.
  - Providing service to patients on a substance abuse commitment.
  - Service coordination when case manager involved.



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# Resources

- Information about Mental Health Commitments
  - Involuntary Hospitalization of Adult Persons With Mental Illness
    - <https://www.legis.iowa.gov/docs/publications/LG/801703.pdf>
  - Iowa Code Section 229
    - <https://www.legis.iowa.gov/docs/ico/chapter/2018/229.pdf>

# Questions?

